

# NOTICE OF INTENDED RELOCATION OF A CHILD

King County Family Law Facilitators Instruction # R-1  
King County Local Family Law Rule 15  
RCW 26.09.430-.480

*In the State of Washington, if the person with whom the child resides a majority of the time plans to move, that person must give notice of the intended move to every person entitled to court-ordered residential time or visitation with the child, except as provided in RCW 26.09.460.*

## STEP 1: OBTAIN AND COMPLETE THE FOLLOWING FORMS, MAKE COPIES

- **Notice of Intended Relocation of Children, WPF DRPSCU 07.0500**  
If you do not know all of the information asked for in the form, fill out what you can. For example, if you do not know the exact street address, list the city and state. You have an ongoing duty to promptly update the information asked for in the notice, as it becomes known.
- **Return of Service, (Notice of Intended Relocation of Children), WPF DRPSCU 07.0600**  
The person who serves the other party completes and signs this form. If notice was mailed to the other party (see step 5 regarding proper service) you will need to attach the mailing receipt to the Return of Service form. If you gave the other party direct notice (***permissible only when move is within the same school district***), you may use a Declaration form, WPF DR 01.0100. Complete this form by stating how, when, and where you gave notice to the other party.
- **Declaration Regarding Personal Service Outside the State of Washington, WPF DRPSCU 01.0180** (if applicable)

If, because of the move, you want a new Parenting Plan or Residential Schedule, you will need to obtain:

- **Parenting Plan (Proposed), WPF DR 01.0400, (WPF PS 01.0400 in Paternity cases), (WPF PS 15.0600 in Acknowledgement of Paternity cases)**  
Complete this form proposing the custody and visitation of the child(ren). (Do not use this form if you are using a Residential Schedule, listed below.)  
Before signing the final parenting plan, the court will consult the judicial information system and databases, if available, to determine the existence of any information and proceedings that are relevant to the placement of the children.

- **Residential Schedule (Proposed) WPF PS 01.0450 in Paternity cases, (WPF PS 15.0650 in acknowledgment of paternity cases) or (WPF CU 01.0450 in Non-Parental cases)**

Complete this form proposing the custody and visitation of the child(ren). (Do not use this form if you are using a Parenting Plan, listed above.)

If no objection is filed, you will also need the following forms in order to have your new parenting plan entered by the court:

- **Motion/Declaration for Ex Parte Order Modifying Parenting Plan/Residential Schedule WPF DRPSCU 07.0950**
- **Ex Parte Order Modifying Parenting Plan/Residential Schedule WPF DRPSCU 07.0955**
- **Note for Motion Docket, Kent or Seattle**

Completely fill out each form listed above that you need. Fill in all of the blanks unless you are asking the court to allow you to omit some of the information. Sign each document and make copies of each form that you have completed.

## **STEP 2: TALK TO AN ATTORNEY, IF POSSIBLE**

**These instructions are not a substitute for legal advice. The laws and court rules are complex and following these instructions will not guarantee you a favorable result. It is always advisable to talk to a lawyer about your problem before filing your action.** If you cannot afford to hire an attorney to represent you, you may be able to pay a lawyer to give you advice and review your paperwork for a lesser cost. Contact the King County Bar Association Lawyer Referral Line for information about limited services representation. If you cannot afford these costs, there are limited free legal services available to low income people. Contact the Facilitators' office for a *Legal Resource List* or the King County Bar Association Lawyer Referral Line for information about resources for low income people. Even if you do not hire a lawyer to represent you, a lawyer can look over your paperwork, give you advice on how to present your evidence, and tell you whether this type of action is right for you.

## **STEP 3: (OPTIONAL) GO TO COURT IF YOU WANT TO OMIT INFORMATION FROM THE NOTICE**

If you believe listing some or all of the information required in the notice would unreasonably put your health and safety at risk, or risk the child's health and safety, you can ask the court for an order that allows you to omit that information. To ask the court to waive some or all of the notice requirements you will need the following forms:

- **Motion/Declaration for Ex Parte Order to Waive Requirements for Notice of Intended Relocation of Children, WPF DRPSCU 07.0550**  
Check the appropriate boxes and state briefly the unreasonable risk to health and safety that notice of the information may cause.
- **Ex Parte Order Waiving Notice Requirements for Relocation of Children, WPF DRPSCU 07.0555**  
Check the appropriate boxes, according to what notice requirements you would like waived. Sign under “presented by”.
- Notice of Intended Relocation of Children
- Proposed Parenting Plan or Residential Schedule, if applicable

Take these completed forms to the Ex Parte department. You do not need an appointment for this but you may have a long wait. Give your forms to the Ex Parte clerk and wait for your name to be called. When you are called, ask the commissioner to sign the *Ex Parte Order Waiving Notice Requirements for Relocation of Children*.

#### **STEP 4: FILE WITH CLERK**

**Go to the Clerk’s Office** and give the Clerk the following:

The **originals** of the following forms:

- Notice of Intended Relocation of children

**And, if applicable:**

- Motion/Declaration for Ex Parte Order to Waive requirements for Notice of Intended Relocation of Children
- Ex Parte Order Waiving Notice Requirements for Relocation of Children
- Proposed Parenting Plan or Residential Schedule

#### **STEP 5: SERVE THE OTHER PARTY(IES)**

#### **WHEN TO NOTIFY OF INTENDED RELOCATION:**

At least 60 days advance notice needs to be given before you move unless:

- You find out about the intended move less than 60 days ahead of when the move will take place. In that case, you must give notice no more than five days after you find out about the move.
- You are moving to avoid a clear, immediate and unreasonable risk to the health and safety of a person or the child. In that case, notice may be delayed for 21 days.
- You are entering a domestic violence shelter due to the danger posed by another person. In that case, notice may be delayed for 21 days.

## **HOW TO NOTIFY OF INTENDED RELOCATION:**

One of the things that will determine how you give notice is how far away you are planning to move.

### **Moving Outside of the School District**

If you are moving outside of the school district in which the child now lives the majority of the time, you must have the other party served as follows:

- Someone other than yourself who is at least 18 years old must deliver a copy of each completed form to the other party or to any other responsible person who lives with the other party.
- Or, if service is by mail, someone other than yourself who is at least 18 years old must mail the copies to the other party by any form of mail requiring a return receipt.

### **Move Within The Same School District:**

If you are moving within the same school district, you may choose one of the methods above, or you may choose to provide actual notice instead. That means you must use any reasonable means to actually let the other party know about the move.

**Note:** If the intended move is within the same school district as the child now resides, persons with court-ordered time with the child do not have the right to object to the move. However, those persons may be able to petition the court for a modification of the Parenting Plan/Residential Schedule under RCW 26.09.260.

**Have the other party(ies) served** with copies of the following forms:

- Notice of Intended Relocation of children

**And, if applicable:**

- Motion/Declaration for Ex Parte Order to Waive requirements for Notice of Intended Relocation of Children
- Ex Parte Order Waiving Notice Requirements for Relocation of Children
- Proposed Parenting Plan or Residential schedule

**If personal service is made outside the state of Washington**, you must also file a **“Declaration Regarding Personal Service Outside the State of Washington” (WPF DRPSCU 01.0180)**, explaining why personal service cannot be made in-state. Failure to file this form invalidates service. File the original with the Clerk and keep a copy for your records.

<b>STEP 6: WAIT FOR OBJECTION</b>
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***You do not need a court order to move the child during the objection period if you are entering a domestic violence shelter due to the danger posed by another person; if you are a participant in the Address Confidentiality Program administered by the Washington Secretary of State's office; if you have a court order permitting you to withhold some or all of the information required in the***

***Notice of Intended Relocation of Children; or if you are moving to avoid a clear, immediate and unreasonable risk to the health or safety of a person or the child. If an objection is filed and a hearing is scheduled within 15 days of the date you were served the objection, you may move without a court order if you are moving to avoid a clear, immediate and unreasonable risk to the health or safety of a person or the child. See RCW 26.09.460 and 26.09.480(2)***

If the 30-day objection period passes and no objection has been or will be filed, you may be able to finalize your Relocation by Default in the Ex Parte Department at 1:30pm by filing a [Note for Motion Docket, Kent or Seattle](#). Choose a hearing date that will be at least 14 days from the date you file the Note for Motion Docket.

When you go to your hearing, bring the originals of the following forms signed and filled out the way you would like the court to rule:

- [Motion/Declaration for Ex Parte Order Modifying Parenting Plan/Residential Schedule \(Relocation\), WPF DRPSCU 07.0950](#)
- [Ex Parte Order Modifying Parenting Plan/Residential Schedule \(Relocation\), WPF DRPSCU 07.0955](#)
- [Parenting Plan \(Final\), WPF DR 01.0400](#) or [WPF PS 01.0400](#), or [Residential Schedule WPF CU 01.0450](#)
- [Declaration, WPF DR 01.0100](#) (This form is optional and may be used by the other party stating that no objection to the relocation will be filed.)

**WARNING:** These instructions are not a substitute for legal advice. The laws and court rules are complex and following these instructions will not guarantee you a favorable result. It is always advisable to talk to a lawyer about your problem before filing your action. (You may be able to hire a lawyer for a small fee to review your completed forms and talk about your problem but not represent you in court). If you need a lawyer, contact the Family Law Facilitators' Office for a *Legal Resource List*, or call the King County Bar Association.